

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN GRIFFIN HEADRICK,

Petitioner,

v.

RON HAYNES,

Respondent.

Case No. 3:22-cv-05895-TMC-TLF

ORDER APPOINTING FEDERAL
PUBLIC DEFENDER

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner John Headrick is currently confined at Airway Heights Corrections Center in Airway Heights, Washington. Petitioner previously filed a motion to appoint counsel which was denied by the Court because petitioner had not shown that appointment of counsel was appropriate at the time. See Dkts. 10, 11. Upon review of the response filed by respondent and the entire record, the Court *sua sponte* re-opens petitioner's motion (Dkt. 10), and its prior order (Dkt. 11) and will appoint the Federal Public Defender, or designee of FPD, such as a panel attorney from the CJA, to represent petitioner in this matter.

Petitioner asserts in his underlying petition that he stands convicted of first-degree child molestation and is serving a life sentence without parole. Dkt. 1 at 1. Petitioner contends in ground one that the State lacked jurisdiction over his claim because the crime allegedly occurred within the borders of the Confederated Tribes of

1 the Chehalis Indian Reservation and petitioner is Native American/ American Indian. *Id.*
2 at 5. Respondent has argued that petitioner's remaining grounds appear related to his
3 conditions of confinement. See *Id.* at 7-10; Dkt. 23, Respondent's Answer.

4 Respondent has filed a response alleging that petitioner's grounds 2-4 are
5 procedurally barred and even if they were not, his conditions of confinement claims are
6 not cognizable in habeas corpus. Dkt. 23 at 9-17. Respondent also alleges that
7 petitioner is not entitled to relief because the state court adjudication of the first ground
8 was not contrary to or an unreasonable application of clearly established federal law as
9 determined by the Supreme Court. *Id.* at 17-27.

10 The Court has determined that petitioner's ground one requires additional
11 briefing from the parties and a separate order will address the focus of such briefing and
12 the briefing schedule. The Court is persuaded that, given the jurisdiction issue involved
13 in this case and the need for additional briefing, the interests of justice support the
14 appointment of counsel for petitioner. See 18 U.S.C. § 3006A(a)(2)(B). As required by
15 statute, Petitioner has demonstrated financial eligibility for such appointment. See *id.*
16 Thus, on further consideration of Mr. Headrick's motion for appointment of counsel, the
17 Court GRANTS petitioner's motion for appointment of counsel, and strikes the previous
18 order denying appointment of counsel. Dkt. 10, 11. The Court appoints the Federal
19 Public Defender, or designee, to represent petitioner in these proceedings.

20 The Clerk shall send copies of this Order to petitioner, to the Federal Public
21 Defender, to the Washington State Attorney's Office, and to the Honorable Tiffany M.
22 Cartwright.

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1 Dated this 7th day of September, 2023.

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4 Theresa L. Fricke
5 United States Magistrate Judge
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